

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0331

HOUSE BILL NO. 1048

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Board of
2 Counselor Examiners and the regulation of counseling.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-32-1 be amended to read as follows:

5 36-32-1. Terms as used in this chapter mean:

6 (1) "Board," the Board of Counselor Examiners established under this chapter;

7 (2) "Counseling," ~~assisting an individual, through the counseling relationship, to develop~~
8 ~~understanding of personal problems, to define goals and to plan action reflecting his~~
9 ~~interest, abilities, aptitudes and needs as these are related to personal-social concerns,~~
10 ~~education programs and occupations~~ rendering or offering to render to any person,
11 group, organization, or the general public, a counseling service involving the
12 application of clinical counseling principles, methods, or procedures to assist any
13 person in achieving more effective personal, social, educational, or career
14 development and adjustment;

15 (3) "Counseling principles, methods, or procedures," an approach to counseling that

1 emphasizes the counselor's role in systematically assisting any client through all of the
2 following: assessing and analyzing background and current information, formulating
3 a conceptual understanding of the problem, exploring possible solutions, and
4 developing and providing a treatment plan for mental and emotional adjustment or
5 development;

6 (4) "Doctorate or master's degree in counseling," completion of study following a
7 bachelor's degree in a clearly identified counseling program which stands as a
8 recognizable organizational entity within an accredited institution of higher learning
9 and has a counseling faculty which provides instruction in human growth and
10 development, counseling theory, counseling techniques, group dynamics, processing,
11 counseling, appraisal of individuals, research and evaluation, professional
12 responsibilities, legal and ethical responsibilities, social and cultural foundations, and
13 lifestyle and career development and participation in a supervised practicum and
14 internship in counseling;

15 (5) "Postgraduate," following completion of study for a master's or doctoral degree;

16 (6) "Supervised internship," an actual on-the-job-experience in professional counseling
17 under the supervision of an on-site supervisor who is a licensed professional counselor
18 or related mental health professional or who is eligible to be licensed;

19 (7) "Supervised practicum," the providing of counseling to any bona fide client or group
20 seeking services from a counselor. This supervised practicum shall be under the
21 direction of a qualified graduate faculty member and includes critiquing of counseling,
22 either observed or recorded on audio or video tape.

23 Section 2. That § 36-32-2 be amended to read as follows:

24 36-32-2. There is hereby created the South Dakota Board of Counselor Examiners, which
25 shall consist of ~~five~~ seven members, one of whom shall be a lay member representing consumers

1 of the services regulated by the board, one of whom shall be a counselor educator, ~~and three of~~
2 ~~whom shall be primarily engaged in rendering counseling service~~ one of whom shall be a licensed
3 marriage and family therapist, one of whom shall be a licensed professional counselor - mental
4 health, and two of whom shall be from any of the licensed disciplines governed by this board, all
5 appointed by the Governor. All members with the exception of the lay member and the counselor
6 educator shall be engaged in rendering counseling services.

7 Section 3. That § 36-32-6 be amended to read as follows:

8 36-32-6. The board shall annually elect a president and a ~~secretary-treasurer~~ vice-president
9 from its members. The board shall meet at least once a year at a place and time determined by
10 the president of the board. The ~~secretary-treasurer~~ president and vice-president of the board shall
11 be included in the blanket bond on officials pursuant to § 3-5-5.1.

12 Section 4. That § 36-32-9 be amended to read as follows:

13 36-32-9. It is a Class 2 misdemeanor for any person to engage in the practice, or attempt to
14 practice, counseling as a licensed professional counselor without a license, ~~or counselor associate~~
15 licensed professional counselor - mental health without a certificate, issued pursuant to ~~the~~
16 ~~provisions of~~ this chapter.

17 Section 5. That § 36-32-10 be amended to read as follows:

18 36-32-10. No person may represent himself or herself as a counselor by using the titles
19 "licensed professional counselor," "licensed counselor" or ~~"counselor associate"~~ "licensed
20 professional counselor - mental health" unless licensed under this chapter.

21 Section 6. That § 36-32-12 be amended to read as follows:

22 36-32-12. Nothing in this chapter may be construed to prevent anyone from doing work
23 within the standards and ethics of ~~his~~ the person's respective profession or calling, provided ~~he~~
24 the person does not hold himself or herself out to the public as a counselor by using the title
25 "licensed professional counselor," "licensed counselor" or ~~"counselor associate"~~ "licensed

1 professional counselor - mental health" unless ~~he~~ the person is licensed or certified under this
2 chapter. Students enrolled in recognized programs of study leading to counseling degrees may
3 practice only under the direct supervision of a counselor educator or counselor licensed under
4 this chapter.